

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT CARICO,

Petitioner,

v.

CASE NO. 08-14570
HONORABLE PATRICK J. DUGGAN

JEFFREY WOODS,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION
FOR LEAVE TO EXPAND THE RECORD**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan on September 1, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Pending before the Court in this habeas action is Petitioner's Motion for Leave to Expand the Record. Petitioner seeks to supplement the record with three documents from a malpractice case that Petitioner initiated against his trial attorney in state court. The exhibits include (1) a set of interrogatories that Petitioner sent to his trial attorney, (2) the attorney's answer to the interrogatories, and (3) the attorney's motion for summary disposition of the malpractice case. Petitioner alleges that the exhibits support his habeas claim that he was denied effective assistance of trial counsel.

Rule 7 of the Rules Governing Section 2254 Cases in the United States District

Courts permits a district judge to expand the record to include additional materials relating to the habeas petition. Respondent does not object to the inclusion of Petitioner's exhibits in the record, provided the Court also considers certain state court documents attached to his answer to the habeas petition. The Court will consider both parties' exhibits when adjudicating the habeas petition.

Accordingly,

IT IS ORDERED, that Petitioner's Motion for Leave to Expand the Record is **GRANTED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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